

EPA Requests Comment on Vessel Reflagging PCB Guidance

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The reflagging of a U.S.-flag vessel to a foreign registry must take into account the Toxic Substances Control Act (TSCA) of 1976 which generally prohibits the export of polychlorinated biphenyls (PCBs). Prior to being found to be harmful to humans, PCBs were utilized in industrial and commercial applications including in paints, plastics and rubber products installed on vessels. The U.S. Maritime Administration, which generally must approve the reflagging of all U.S.-flag commercial vessels, has required since 2011 that the vessel owner certify that the vessel to be reflagged is free of PCBs above a certain threshold. The Environmental Protection Agency, which has the primary responsibility for TSCA oversight, has just published draft guidance “as a resource to assist ship owners in identifying regulated levels” of PCBs on vessels to be reflagged. Comments on the draft guidance which contains recommendations on sampling sizes, techniques and methodologies are due by March 1, 2013.

For more information, including a copy of “Draft Technical Guidance for Determining the Presence of Polychlorinated Biphenyls (PCBs) at Regulated Concentrations on Vessels (Ships) to be Reflagged,” visit Winston & Strawn’s [MartimeFedWatch](#) blog.

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